



California Regional Water Quality Control Board San Diego Region



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October 5, 2009

In reply refer to: 04C-132:lpardy

Certified Mail Number:
7008-1140-0002-4285-4008

California Department of Transportation, District 11
Attention: Ms. Michelle Trudell
Environmental Stewardship Branch
Environmental Division, MS-242
4050 Taylor Street
San Diego, CA 92110

File No.	04C-132
CIWQS	
Reg. Meas.:	149753
Place ID:	258549
Party ID:	7549
Case No:	18-2004132
WDID:	9000001331

Dear Ms. Michelle Trudell:

SUBJECT: Amendment to Clean Water Act Section 401 Water Quality Certification No. 04C-132 and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

On August 18, 2009 the California Regional Water Quality Control Board, San Diego Region (Regional Board) received a request from the California Department of Transportation (Caltrans) to amend the State Route 905 (SR-905) Extension Project (Project), section 401 Water Quality Certification No. 04C-132 (Certification) to allow permanent impacts to an additional 0.011 acre of vernal pool habitat and 0.19 acre of its contributing watershed due to the construction of a temporary haul road. The temporary haul road will be located on the Handler property at the southwest corner of Otay Mesa Road and Corporate Center Drive in Otay Mesa, and would impact additional areas outside Caltrans right of way that were not previously addressed in the original SR-905 project footprint that was used to determine the extent of construction-related and operational impacts.

Based on mitigation ratios utilized for the larger SR-905 Project, vernal pool habitat is proposed to be preserved and/or enhanced at a 3:1 ratio and the contributing watershed is proposed to be preserved and/or enhanced at a 10:1 ratio to offset impacts to these habitat types. Mitigation for the additional impacts to the vernal pool habitat and its watershed has been proposed with the off-site

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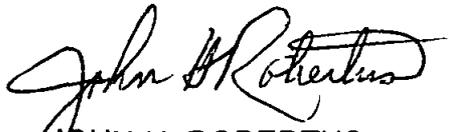
Caltrans Dennerly Canyon restoration site (previously referred to as the Wall-Hudson restoration site in the Biological Opinion) as follows:

1. Restoration of 0.033 acre of vernal pool habitat, and
2. Restoration of 1.9 acres of vernal pool watershed.

After a review of the Project's file, and the mitigation proposed for the additional impacts to the vernal pool habitat and its watershed, I concur that the proposed changes are reasonable modifications to the original section 401 Water Quality Certification. As a result, the section 401 Water Quality Certification No. 04C-132 for the SR-905 Extension Project has been amended to reflect these changes. The amendments are included as Enclosure 1.

The heading portion of this letter includes a Regional Board code number noted after "in reply to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. If you have questions regarding this notification, please contact Ms. Linda Pardy at (858) 627-3932 or LPardy@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosures

1. Addendum to Clean Water Act section 401 Water Quality Certification No. 04C-132

cc (via email and hard copy (non-certified)):

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
6010 Hidden Valley Road, Suite 105
San Diego, CA 92011-4213
Mr. Terrence Dean, E-mail: terrence.dean@usace.army.mil

California Department of Fish and Game, South Coast Region,
Habitat Conservation Planning – South
4949 Viewridge Avenue
San Diego, CA 92123
Ms. Kelly Fisher, E-mail: kfisher@dfg.ca.gov

U.S. Department of the Interior,
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011
Mr. Jim Bartel; E-mail: jim_bartel@fws.gov

(via email only)

U.S. Environmental Protection Agency, Region 9, Wetlands Regulatory Office
Attn: Ms. Elizabeth Goldmann; E-mail: R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality, 401 Water
Quality Certification and Wetlands Unit
E-mail: Stateboard401@waterboards.ca.gov

California Department of Transportation, District 11, Environmental
Stewardship Branch
Mr. Bruce April; E-mail: bruce.april@dot.ca.gov
Mr. Michael Galloway; E-mail: michael.galloway@dot.ca.gov

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ADDENDUM TO

**CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION NO. 04C-132**

FOR

STATE ROUTE 905 (SR-905) EXTENSION PROJECT

Additional Condition "C. Mitigation 11" is added:

The California Department of Transportation shall provide compensatory mitigation for the additional permanent impacts to waters of the State due to loss of 0.011 acre of vernal pool habitat and 0.19 acre of its watershed for construction of the temporary haul road for the SR-905 Extension Project. The additional permanent impacts to waters of the State are shown as Figure 1 entitled, "Aerial map of the vernal pool and watershed located on Handler Property, north of the State Route 905 Project footprint" in the July 7, 2009 letter from the California Department of Transportation to Mr. Jim Bartel, U.S. Fish and Wildlife Service, regarding the "Second Amendment to the Biological Opinion for the State Route 905 (SR-905) Extension Project, San Diego County, CA (FWS-SDG-2296.5). The impact to waters of the State for the temporary haul road must not exceed 0.011 acre of vernal pool habitat and 0.19 acre of its vernal pool watershed.

Additional Condition "C. Mitigation, 12" is added:

Mitigation for the permanent loss of vernal pool habitat due to construction of the temporary haul road must be achieved at a 3:1 ratio, and through the withdrawal of 0.033 acre of restored vernal pool from the off-site California Department of Transportation Denney Canyon restoration site (previously referred to as the Wall-Hudson restoration site in the U.S. Fish and Wildlife Service's Biological Opinion for State Route 905 Extension Project, San Diego County, California. Mitigation for the permanent loss of the associated vernal pool watershed due to construction of the temporary haul road must be achieved at a 10:1 ratio, and through the withdrawal of 1.9 acres of restored vernal pool watershed from the off-site California Department of Transportation Denney Canyon restoration site.

Additional Condition “C. Mitigation, 13” is added:

If at any time after the establishment of the mitigation area(s) identified in Conditions “C. Mitigation, 11 through 14” (for the temporary haul road), a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the California Department of Transportation is responsible for repair and replanting of the damaged area(s).

Additional Condition “C. Mitigation, 14” is added:

If, after all other establishment criteria have been met, monitoring shows that the mitigation area(s) identified in Conditions “C. Mitigation, 11 through 14” (for the temporary haul road) are not meeting the functional success criteria proposed, the Regional Board has the option to modify this certification to require changes to the mitigation plans, including but not limited to additional or different mitigation to compensate for the lack of or diminished functional mitigation.

Additional Condition “E. Photo Documentation Procedure, 1” is added:

The California Department of Transportation, or its successors, must conduct photo documentation of the project site identified in Conditions “C. Mitigation, 11 through 12” (for the temporary haul road), including all areas of permanent and temporary impact, and mitigation areas, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, or an equivalent photo documentation procedure acceptable to the Regional Board. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The California Department of Transportation must submit this information in a photo documentation report to the Regional Board within **30 days** of completion of the project’s construction. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

Additional Condition “F. Geographic Information System, 1” is added:

The California Department of Transportation must submit Geographic Information System (GIS) shape files of the impact and mitigation areas identified in Conditions “C. Mitigation, 11 through 12” (for the temporary haul road) within **90 days** of final project impacts and the mitigation areas within **90 days** of Certification. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

Attachment 1, Project information is revised:

This amendment revises Attachment 1, Project Information as shown in "Attachment 1, Project Information (revised), below. Revisions shown in blue underline are additions, and revisions shown in red strikeout are deletions.

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **State Route 905 Extension Project** (Certification No. 04C-132) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification.

Please note that enrollment under this Order is conditional and, should new information come to attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the *Water Quality Control Plan for the San Diego Basin (9)*(Basin Plan).



JOHN H. ROBERTUS
Executive Officer

5 October 2009
Date

Attachments:

1. Project Information [Revised 9-28-2009]
2. Map of Proposed Additional Impacts [Newly added 9-28-2009]
3. Map of Proposed Additional Mitigation Area [Newly added 9-28-2009]

ATTACHMENT 1
PROJECT INFORMATION [Revised 9-28-2009]

Applicant: California Department of Transportation, District 11
Attention: Ms. Michelle Trudell
Environmental Stewardship Branch
Environmental Division, MS-242
4050 Taylor Street
San Diego, CA 92110
Telephone: 619 688-0107
Facsimile: 619 688-6998
Email: michelle_trudell@dot.ca.gov

Applicant Representatives: None

Project Name: State Route 905 (SR-905) Extension Project, Otay Mesa, San Diego County, Certification No. 04C-132

Project Location: The project is located in southwestern San Diego County, east of State Route 805, and parallel and adjacent to the U.S. Mexico border. The project is approximately located at latitude 32.4942° north, longitude 116.9357° east to 32.5658° north, longitude 117.0165°.

Type of Project: Temporary infrastructure construction.

Project Description: The 345.9 acres site is proposed to be developed into a six-lane freeway commencing just east of Interstate 805 in San Ysidro and ending at Airway Road in Otay Mesa. The proposed alignment was chosen to maximize avoidance of waters of the U.S. and State. The proposed design incorporates significant post-construction storm water treatment.

In addition, a temporary haul road will be constructed on an area outside of the California Department of Transportation right of way on the eastern part of the 45.5-acre Handler property located at the southwest corner of Otay Mesa Road and Corporate Center Drive in Otay Mesa.

Federal Agency/Permit: U.S. Army Corps of Engineers, Individual Permit – Terrance Dean

Other Required Regulatory Approvals:	California Department of Fish and Game, Streambed Alteration Agreement – Kelly Fisher U.S. Fish and Wildlife Service, section 7 consultation - Susan Wynn
California Environmental Quality Act (CEQA) Compliance:	California Department of Transportation, Route 905 Final Environmental Impact Statement/Report, July 2004, SCH No. 950310131, 11-SD-905/I-805.
Receiving Water:	Spring Canyon and unnamed ephemeral/intermittent streams tributary to the Tijuana River. Tijuana Hydrologic Unit, Tijuana Valley hydrologic area, San Ysidro hydrologic subarea (911.11) and Water Tanks hydrologic subarea (911.12).
Impacted Waters of the United States:	The proposed project will permanently impact (fill) 1.57 acres of unvegetated waters of the U.S. and 3.66 acres of wetland waters of the U.S. (13,134 lineal feet of combined impacts).
Impacted Waters of the State:	The proposed project will permanently impact 0.14-acre <u>0.151-acre</u> of waters of the State as vernal pools and road vernal pools.
Dredge Volume:	None
Related Projects Implemented/to be Implemented by the Applicant(s):	The California Department of Transportation has not disclosed a related project.

Compensatory Mitigation:

Compensatory mitigation is described in the May 2004 Caltrans' Draft Wetland Mitigation Plan for the State Route 905 Extension Project and the U.S. Fish and Wildlife Service's Biological Opinion for State Route 905 Extension Project, San Diego County, California, July 12, 2004.

Proposed mitigation for impacts to Waters of the U.S. consists of the onsite creation of 3.26-acres riparian, offsite creation of 3.73-acres of riparian, offsite restoration of 6.06-acres of riparian, and offsite enhancement of 5.91-acres of riparian. This mitigation will result in a cumulative mitigation ratio of 3.6:1.

Proposed mitigation for impacts to Waters of the State (vernal pools and road vernal pools) will consist of the offsite (nearby) creation of $(0.39\text{-acre} + 0.033\text{-acre} = 0.423\text{-acre})$ of vernal pools at the California Department of Transportation Denney Canyon Restoration Site (formerly Wall-Hudson property owned by the City of San Diego). This mitigation will result in a mitigation ratio of ~~2.78:1~~ 2.8:1.

Best Management Practices:

The Water Quality Data report Route 905 (January 2006) prepared by Caltrans, proposes adequate construction and post-construction BMPs. This project is subject to the SWRCB Order No. 99-06, NPDES Permit for Storm Water Discharge⁵ for the State of California, Department of Transportation Properties, Facilities, and Activities.

Construction Phase

The Water Quality Data report proposes standard construction structural and non-structural Best Management Practices (BMPs). Some of these BMP categories include, solid waste containment, erosion control, sediment control, construction materials delivery and storage, hazardous materials and waste management and storage, concrete waste management, stabilized construction exists, vehicle and equipment maintenance, and landscaping.

Post-Construction Phase

The Water Quality Data report proposes adequate treatment control BMPs to treat post-construction storm water and non-storm water runoff. Treatment control BMPs include 12 detention basins, 8 biofiltration strips, and 6 biofiltration swales.

Public Notice: November 22, 2004

Fees: Total Due: / \$41,746.00 ~~\$40,000.00~~

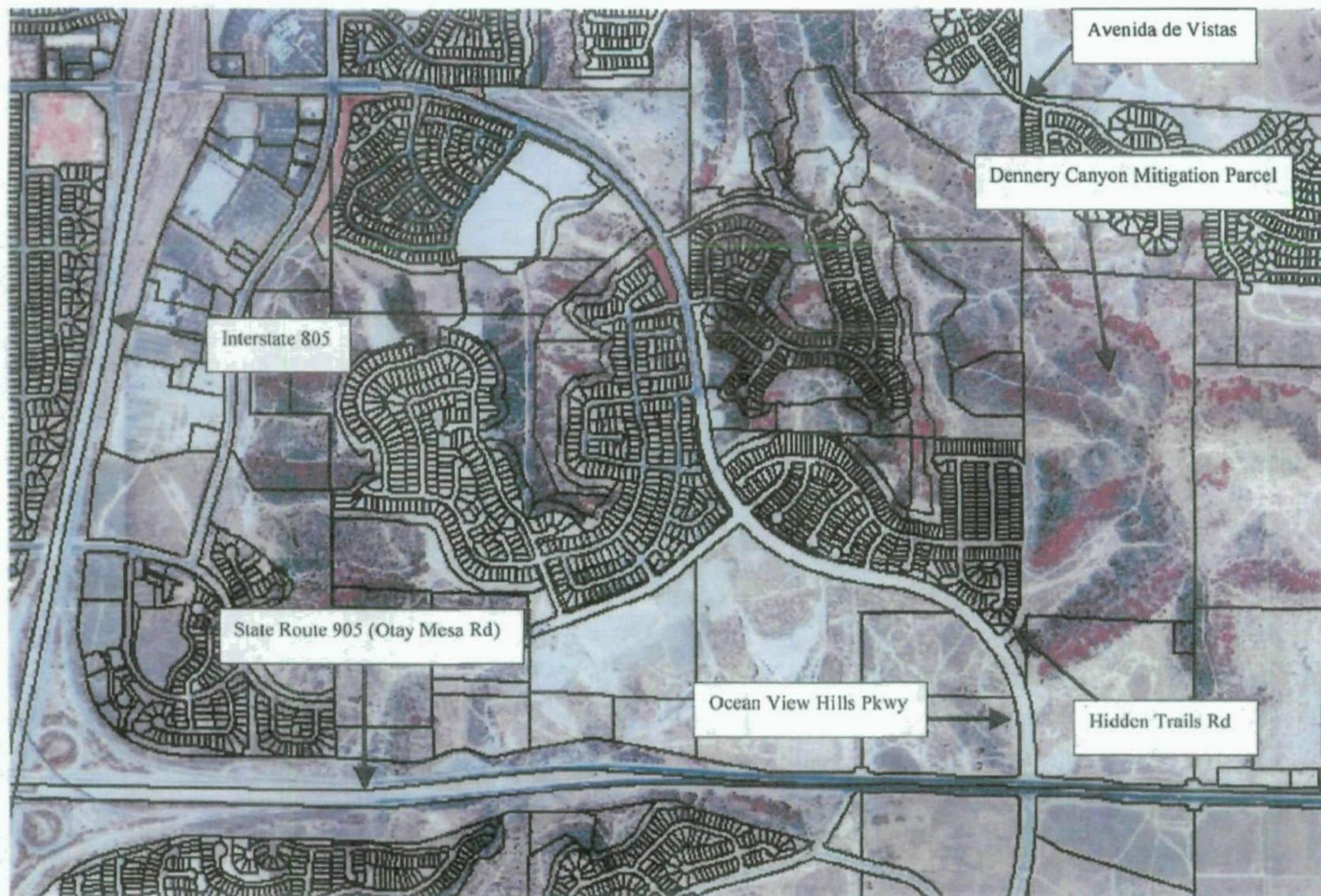
Total Paid: / \$500.00 (Check No. 816518)
\$39,500.00 (Check No. 835104)
\$1,746.00 (Check No. 335064)

Jim Bartel
July 7, 2009
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Figure 1. Aerial map of the vernal pool and watershed located on Handler Property, north of the State Route 905 Project footprint.

Attachment 3. Map of Proposed Additional Mitigation Area (Dennery Canyon Mitigation Parcel)



STATE ROUTE 905

Dennery Canyon Mitigation Parcel (APN 645-050-32) 08/08/05

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